

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

ILLINOIS-AMERICAN WATER COMPANY)

No. 09-0451

Application for the Purchase of)

the Assets and Operating Rights)

within the Stever District)

Improvement Association Water)

Treatment and Distribution)

System and for a Certificate of)

Public Convenience and)

Necessity to Provide Water)

Service to an area in Peoria)

County, Illinois in)

Accordance with 8-406 of the)

Public Utilities Act.)

Chicago, Illinois

March 11, 2010

Met pursuant to notice at 10:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

1 APPEARANCES:

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MS. JONI K. OTT
3 300 North Water Works Drive
Belleville, Illinois 62223
4 appeared for the Applicant,
telephonically;

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6 MR. JAMES WEGING
160 North LaSalle Street
7 Suite C-800
Chicago, Illinois 60601
8 appeared for Staff witnesses.

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ALSO PRESENT:

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JUDGE SONYA TEAGUE

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21 SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

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1		<u>I</u>	<u>N</u>	<u>D</u>	<u>E</u>	<u>X</u>			
2	<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>Re-</u> <u>dir.</u>	<u>Re-</u> <u>crx.</u>	<u>By</u> <u>Examiner</u>			
3	NONE								
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7	<u>APPLICANT'S</u>	<u>E</u>	<u>X</u>	<u>H</u>	<u>I</u>	<u>B</u>	<u>I</u>	<u>T</u>	<u>S</u>
8	1.0 thru 1.04	<u>FOR IDENTIFICATION</u>					<u>IN EVIDENCE</u>		
9	2.0 and 2.01								
10									
11	<u>STAFF'S</u>								
12	1.0 and 1.1								
13	2.0 and 2.1								
14	3.0								
15	4.0 and 4.1								
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1 JUDGE RILEY: Pursuant to the direction
2 of the Illinois Commerce Commission, I call
3 Docket 09-0451. This is an Application by
4 Illinois-American Water Company for the purchase of
5 the assets and operating rights within the Stever
6 District Improvement Association Water Treatment and
7 Distribution System and for a Certificate of Public
8 Convenience and Necessity to provide water service
9 to an area in Peoria County, Illinois in accordance
10 with 8-406 of the Public Utilities Act.

11 And, Ms. Ott, you're appearing on
12 behalf of Illinois-American?

13 MS. OTT: That's correct, your Honor.

14 JUDGE RILEY: Would you state your name and your
15 business address for the record, please.

16 MS. OTT: Sure. Thank you.

17 My name is Joni, J-o-n-i, middle
18 initial K and my last name is Ott, O-t-t, and I'm
19 corporate counsel appearing on behalf of
20 Illinois-American Water Company. My business
21 address is 100 North Water Works Drive and that's in
22 Belleville, Illinois 62223.

1 JUDGE RILEY: Thank you.

2 And for Commission Staff?

3 MR. WEGING: James Wewing, 160 North LaSalle
4 Street, Suite C-800, Chicago, Illinois 60601,
5 312-793-2877, appearing on behalf of Commission
6 Staff witnesses.

7 JUDGE RILEY: Thank you.

8 And let the record reflect that
9 Judge Sonya Teague is observing the proceedings and
10 is in the conference room at this time.

11 As I went through the testimony -- let
12 me first ask, do I have all the testimony and
13 affidavits to be submitted in this matter?

14 Ms. Ott, do you have everything in?

15 MS. OTT: Yes, your Honor.

16 JUDGE RILEY: And, Mr. Wewing, Staff?

17 MR. WEGING: Yes.

18 JUDGE RILEY: I did not discern an issue.

19 MR. WEGING: That is correct.

20 We've approved their accounting
21 treatment. We've required a few reports of them
22 that they're willing to give. No one has found any

1 problems with the proposed rates, service, tariff,
2 service requirements as the Company has proposed to
3 do. So there are no issues, as far as I know.

4 JUDGE RILEY: Ms. Ott, do you agree with that?

5 MS. OTT: Yes, your Honor.

6 JUDGE RILEY: All right. Then the first order
7 of business would be to identify the exhibits and
8 have them moved for admission into evidence.

9 MS. OTT: Okay.

10 JUDGE RILEY: Beginning with the Applicant's
11 exhibits.

12 The first one I note is
13 Exhibit EJG-1.0.

14 MS. OTT: That's correct.

15 And attached to 1.0 is an Attachment
16 and 3 exhibits.

17 JUDGE RILEY: With Attachment A and
18 Exhibits 1.01, 1.02 and 1.03.

19 MS. OTT: That's correct.

20 JUDGE RILEY: And I also received
21 EJG Exhibit 1.04.

22 MS. OTT: That's correct and that is his

1 affidavit.

2 JUDGE RILEY: These exhibits that are attached,
3 1.01, 1.02 and 1.03, do they have -- yes, they have
4 the EJG prefix, don't they?

5 MS. OTT: Yes.

6 JUDGE RILEY: And that brings us to MM-1.0.

7 MS. OTT: Actually, that one was revised because
8 they both started with the Number 1. So his is
9 MM-2.0.

10 JUDGE RILEY: Oh, Revised Direct Testimony.

11 MS. OTT: Right.

12 JUDGE RILEY: So the originally MM-1.0 I can
13 dispose of.

14 MS. OTT: Yes.

15 JUDGE RILEY: Beginning with MM-2.0 there are no
16 attachments.

17 MS. OTT: No, there's not.

18 JUDGE RILEY: And that's followed by MM-2.01.

19 MS. OTT: Right, which is Mr. Moler's affidavit.

20 JUDGE RILEY: Right.

21 And that is all of the exhibits for
22 the Applicant?

1 MS. OTT: That's correct.

2 JUDGE RILEY: And would you move for the
3 admission?

4 MS. OTT: Yes, I would.

5 I move for the admission of the
6 Exhibits EJG-1.0, 1.01, 1.02, 1.03 and 1.04 and
7 Exhibits MM-2.0 and 2.01.

8 JUDGE RILEY: Is there any objection,
9 Mr. Weging, to --

10 MR. WEGING: No objection.

11 JUDGE RILEY: There is no objection from Staff.

12 Then all of the Applicant's exhibits
13 as just identified are admitted into evidence.

14 MS. OTT: Thank you.

15 (Whereupon. Applicant's
16 Exhibits EJG-1.0, 1.01,
17 1.02, 1.03, 1.04 and
18 MM-2.0 and 2.01 were
19 admitted into evidence.)

20 JUDGE RILEY: Is there anything further that you
21 had to offer?

22 MS. OTT: No, your Honor.

1 JUDGE RILEY: Thank you, Ms. Ott.

2 MS. OTT: Thank you.

3 JUDGE RILEY: And, Mr. Weging?

4 MR. WEGING: Yes.

5 Staff would move for admission of

6 Staff Exhibit 1.0, which is the testimony of

7 Jonathan Sperry.

8 Exhibit 2.0, which is the testimony of

9 Richard Bridal.

10 Staff Exhibit 3.0, which is the

11 verified statement of Mr. McNally, his first name

12 I'm forgetting.

13 JUDGE RILEY: Michael.

14 MR. WEGING: Michael.

15 And Staff Exhibit 4.0, which is

16 Christopher Boggs' testimony.

17 None of those have attached exhibits,

18 they were just testimony.

19 But I'm also moving for the admission

20 of Exhibits 1.1, 2.1 and 4.1, which are the

21 affidavits of those respective witnesses,

22 Mr. Sperry, Mr. Bridal and Mr. Boggs.

1 JUDGE RILEY: That was affidavits 2.1 --
2 MR. WEGING: 1.1, 2.1 and 4.1.
3 Exhibit 3.1 was a verified statement.
4 JUDGE RILEY: I understand.
5 And, Ms. Ott, is there any objection
6 to Staff's motion to admit the identified exhibits?
7 MS. OTT: No, Illinois-American has no
8 objections.
9 JUDGE RILEY: Then Staff exhibits, as
10 identified, are admitted into evidence.
11 (Whereupon, Staff's
12 Exhibits 1.0, 1.1,
13 2.0, 2.1, 3.0, 4.0
14 and 4.1 were admitted
15 into evidence.)
16 JUDGE RILEY: Anything further from Staff?
17 MR. WEGING: Nothing further.
18 JUDGE RILEY: Did the parties want to draft an
19 agreed upon order?
20 MR. WEGING: Yes.
21 JUDGE RILEY: Ms. Ott, is that okay with you?
22 MS. OTT: Oh, yes.

1 JUDGE RILEY: Any idea how long it will take?

2 MR. WEGING: Unfortunately my calendar is

3 starting to back up.

4 MS. OTT: I will be out on vacation the week

5 between Palm Sunday and Easter.

6 JUDGE RILEY: Okay.

7 MS. OTT: I can kind of start working on it next

8 week and get something to Mr. Weling.

9 JUDGE RILEY: So you're going to be out the last

10 week of March is what you're saying.

11 MS. OTT: Right.

12 MR. WEGING: Well, okay, we'll have the Company

13 start and send it in and we'll see if we can get it

14 to you as soon as possible.

15 JUDGE RILEY: Okay.

16 MR. WEGING: Technically, I have an oral

17 argument on March 25th and a brief due on the 2nd,

18 that's going to be moved. I'm a little bit -- my

19 scheduling is a little bit confused right now.

20 JUDGE RILEY: You can discuss it among

21 yourselves and find out what works best for you.

22 MR. WEGING: Right.

1 JUDGE RILEY: It's all fine with me.

2 Anything further from the Applicant,

3 Ms. Ott?

4 MS. OTT: No, thank you, your Honor.

5 JUDGE RILEY: Anything further from Staff?

6 MR. WEGING: Nothing.

7 JUDGE RILEY: Then I'm going to direct the court
8 reporter to mark this matter heard and taken.

9 HEARD AND TAKEN

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